

Central Intelligence Agency



Washington, D.C. 20505

1 November 2018

Ms. Emma Best  
MuckRock News  
DEPT MR 61277  
411A Highland Avenue  
Somerville, MA 02144-2516

Reference: F-2018-02734

Dear Ms. Best:

On 28 September 2018, the office of the Information and Privacy Coordinator received your 28 September 2018 Freedom of Information Act (FOIA) request for the following records, **copies of emails containing the URL, <https://www.nytimes.com/2018/08/24/us/politics/cia-russia-midterms-election.html> or the phrase “Kremlin Sources Go Quiet, Leaving C.I.A. in the Dark About Putin’s Plan for Midterms.”**

As you are aware, the FOIA permits an agency to assess fees even in situations where it fails to comply with the 20 working day FOIA response deadline in cases where there are “unusual circumstances.” A member of my staff in consultation with senior members of this office assessed the overall complexity of your request, and we determined that at least one of the factors associated with “unusual circumstances” applies in this case.

The FOIA authorizes federal agencies to collect fees for records services. Based on the information provided in your letter, we determined that your request falls into the “representative of the news media” fee category, which means you may have to pay for the cost of reproducing released records, which would be assessed at a rate of ten cents per page after the first 100 copies, which you receive free of charge.

Please be advised that we cannot provide you with an exact fee estimate until we have completed the search, identified the responsive documents, and determined how many pages of nonexempt, responsive material will be released. Once our work is completed, you may be assessed applicable fees for duplication if nonexempt releasable material exceeds the first 100 pages. In order to protect requesters from large/or unanticipated charges, we will ask you for a written commitment to pay duplication fees if we determine they will exceed \$100. Although you still will be assessed fees accordingly, we will not notify you beforehand if we estimate that fees for completing your request will be less than \$100. We will proceed on this basis unless we hear otherwise from you in writing.

I must consider your request for a fee waiver under the standards the Agency FOIA regulations outline, which you will find at Part 1900 of Title 32 of the Code of Federal Regulations, and Department of Justice guidance. I have reviewed your request under those standards to determine "if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." Your request does not meet these standards because disclosing the information you seek is not "likely to contribute significantly to public understanding of the operations or activities of the United States Government." I therefore deny your request for a fee waiver.

You may appeal this decision, in my care, within 90 days from the date of this letter. Should you choose to appeal the denial of your request for a fee waiver, you are encouraged to provide an explanation supporting your appeal. Agency regulations also specify that if the Agency has started to process a request, the Agency may only accept an appeal of a fee waiver denial if the requester agrees to be responsible for the costs in the event of an adverse administrative or judicial decision.

Our officers will begin the search and will advise you should they encounter any problems or if they cannot begin the search without additional information or clarification. We have assigned your request the reference number above. Please use this number when corresponding so that we can identify it easily.

Sincerely,

A handwritten signature in black ink, appearing to read 'Allison Fong', with a long horizontal stroke extending to the right.

Allison Fong  
Information and Privacy Coordinator